

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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AXION POWER INTERNATIONAL, INC.,	:	
WILLIAM AND TRACY AHEARN, h/w,	:	
SALLY FONNER, and	:	CIVIL ACTION
JAMES SMITH, M.D.	:	NUMBER
	:	
Plaintiffs	:	07 CV 11493
	:	
-against-	:	
	:	NOTICE OF
MERCATUS & PARTNERS, LTD.,	:	DISMISSAL
BANCA MB S.p.A.,	:	WITHOUT
DWIGHT PARSCALE,	:	PREJUDICE
STEPHANO CEVALO,	:	Fed .R.C.P.
	:	41(a)(1)(A)(i)
Defendants.	:	
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PLEASE TAKE NOTICE:

Plaintiffs, Axion Power International, Inc., William and Tracy Ahearn, h/w, Sally Fonner, and James Smith, M.D., dismiss, without prejudice, the action as to Defendant, Cari Masi a/k/a Cary Masi., pursuant to Fed.R.C.P. 41(a)(1)(A)(i).

Respectfully submitted,


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